

1 RAM & OLSON LLP
 MICHAEL F. RAM (SBN 104805)
 2 mram@ramolson.com
 KARL OLSON (SBN 104760)
 3 kolson@ramolson.com
 555 Montgomery Street, Suite 820
 San Francisco, California 94111
 4 Telephone: (415) 433-4949
 Facsimile: (415) 433-7311

5 EDELSON & ASSOCIATES, LLC
 Marc H. Edelson (*Pro Hac Vice*)
 6 medelson@edelson-law.com
 45 W. Court Street
 Doylestown, PA 18901
 7 Telephone: (215) 230-8043
 Facsimile: (215) 230-8735

8 SPECTOR, ROSEMAN KODROFF & WILLIS, P.C.
 Jeffrey L. Kodroff (*Pro Hac Vice*)
 9 jkodroff@srkw-law.com
 John A. Macoretta
 10 JMacoretta@srkw-law.com
 1818 Market Street, Suite 2500
 Philadelphia, PA 19103
 11 Telephone: (215) 496-0300
 12 Facsimile: (215) 496-6611

Attorneys for Plaintiffs and the Class

13 MORGAN, LEWIS & BOCKIUS LLP
 Kristofor T. Henning (PAB 85047) (*Pro Hac Vice*)
 14 khenning@morganlewis.com
 Franco A. Corrado (PA 91436) (*Pro Hac Vice*)
 15 fcorrado@morganlewis.com
 Shevon L. Scarafile (PAB 206552) (*Pro Hac Vice*)
 16 1701 Market Street
 Philadelphia, PA 19103
 17 Telephone: (215) 963-5000
 Facsimile: (215) 963-5001

Attorneys for Defendant Hewlett-Packard Company

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 20 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 21 **(SAN JOSE DIVISION)**

22 NORMAND PERRON, and G. DAVID
 HATFIELD, on behalf of themselves and all
 23 others similarly situated,

Plaintiffs,

v.

25 HEWLETT-PACKARD COMPANY, a
 26 Delaware corporation,

Defendant.

CASE NO. C-10-0695-LHK

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER TO STAY LITIGATION**

1 Plaintiffs Norman Perron and G. David Hatfield and Defendant Hewlett-Packard (“HP”)
2 hereby stipulate as follows:

3 1. HP re-filed motions to dismiss and stay these proceedings on August 13, 2010
4 (Docket No. 36).

5 2. On September 15, 2010 Judge James Ware of this Court issued an Order
6 (document No. 250) in the *Nvidia GPU litigation*, Case No. 08-04312 which preliminarily
7 approved a settlement. Paragraph 14 of that Order states that “Pending final determination of
8 whether the Settlement should be approved, the Plaintiffs, all Settlement Class Members, and
9 each of them, and anyone who acts or purports to act on their behalf, shall not institute,
10 commence or prosecute any action which asserts Released Claims against any Released Person.”
11 On September 23, 2010, HP moved to stay all proceedings in this matter pending a determination
12 whether the *Nvidia* settlement should be finally approved (Doc. No. 38). HP argued, among
13 other things, that Plaintiffs’ claims in this matter are “Released Claims” for purposes of Judge
14 Ware’s September 15, 2010 preliminary approval order and HP is a “Released Person” for
15 purposes of that order. Plaintiffs agree it is possible that their claims herein fall within the
16 definition of “Released Claims” in the *Nvidia* settlement. Plaintiffs will be filing objections to
17 the *Nvidia* settlement.

18 3. The parties to this case hereby stipulate that all proceedings in this litigation
19 are stayed until 30 days after Judge Ware rules on the upcoming Motion for Final Approval of
20 Settlement in the *Nvidia GPU litigation*.

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4. This Stipulation is entered into without prejudice to either party's right to seek a further stay of this case.

SO STIPULATED.

Dated: October 5, 2010

/s/ Michael F. Ram
Michael F. Ram (SBN 104805)
mram@ramolson.com
KARL OLSON (SBN 104760)
kolson@ramolson.com
RAM & OLSON LLP
555 Montgomery Street, Suite 820
San Francisco, California 94111
Telephone: (415) 433-4949
Facsimile: (415) 433-7311

Attorneys for Plaintiffs and the Class

Dated: October 5, 2010

/s/ Kristofor T. Henning
Kristofor T. Henning (PAB 85047) (*Pro Hac Vice*)
khenning@morganlewis.com
Franco A. Corrado (PA 91436) (*Pro Hac Vice*)
fcorrado@morganlewis.com
Shevon L. Scarafile (PAB 206552) (*Pro Hac Vice*)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001

Howard Holderness (SBN 169814)
hholderness@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

Attorneys for Defendant Hewlett-Packard Company

SO ORDERED.

Dated October 7, 2010


Lucy H. Koh
Lucy H. Koh
Judge, United States District Court

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